

RECEIVED  
APR 02 1990

DIVISION OF  
OIL, GAS & MINING

3809.3-2  
(UT08580)  
UMC 327438  
(UMC 282391)

S/047/048

MAR 30 1990

Certified Mail  
Return Receipt Requested  
P 125 313 297

DECISION

Joseph LaStella  
246 South 600 West  
Vernal, UT 84078

Sno-Ben # 2

:

Notice of Noncompliance

In a certified letter (P 777 179 460) to you dated January 2, 1990, it was requested that you file an amended notice to cover the reconfiguration of the disturbances caused during your Sno-Ben #2 operation. The amendment was to include the test pits you excavated on Sno-Ben #1 and #2, if you plan to continue operations on the Sno-Ben #2 operational site; if not, then reclaim all the disturbed areas caused during your Sno-Ben #2 operation. You were also requested to remove your trailer house from the property. A sufficient time frame, i.e., by February 15, 1990, was allowed for you to accomplish these actions. This time frame has now been substantially exceeded.

Background:

On July 17, 1989, you submitted to this office, a notice to conduct operations on Sno-Ben #2 Placer Mining Claim held by Leo Snow, et al. A few days later, during an office visit, you indicated you would come back in and amend the notice to show a reconfiguration of the area you planned to disturb.

On July 28, 1989, during a field inspection of the area by James V. Piani, Peter K. Sokolosky, and Richard S. Wilson, you again indicated you would come in and amend your notice relative to reconfiguration of the disturbed area. Further, you said you were responsible for excavating the eight new test pits on Sno-Ben #1 and #2, and that you would amend your notice to include these new disturbances.

A field check of the area by Richard S. Wilson on February 16, 1990, indicated that you had not done any of the reclamation or removed your trailer house as was requested in our letter to you on January 2, 1990, which allowed you until February 15, 1990, to do so. Further, as of the date of this notice, we have not received an amended notice to cover



the reconfiguration of the disturbances connected with the Sno-Ben #2 operational area nor have we had any word from you whatsoever either in person, by telephone, or by mail.

#### Conclusions and Orders:

Relative to the Sno-Ben #2 operational area you, after repeated requests, have not submitted an amended notice or reclaimed the area and are in violation of 43 CFR 3809.1-3(c)(3)(d)(3)(4)(iv).

It is hereby ordered that you reclaim all the disturbed areas caused during your Sno-Ben #2 operations, including filling in any excavated areas, recontouring to resemble the original shape of the terrain, spreading stored topsoil throughout these areas, and reseeding. Your trailer house, which is outside of your Sno-Ben #2 operational area, must also be removed.

The following are recommended seed types and quantities (pounds per acre) for a broadcast method of distribution in this area. For drill seeding, use one-half the indicated amount.

#### For areas above 4,840 feet elevation:

Four Wing Saltbush	2 lbs.
Needle and Thread Grass	2 lbs.
Sand Drop Seed	2 lbs.
Green Rabbitbush	1 lb.
Globe Mallow	<u>1 lb.</u>
	8 lbs./acre

#### For areas below 4,840 feet elevation:

Western Wheatgrass	3 lbs.
Meadow Barley	2 lbs.
Saltgrass	<u>2 lbs.</u>
	7 lbs./acre

You have thirty (30) days from receipt of this notice to initiate these actions and thirty (30) days after commencement to complete them. The area will be monitored by BLM personnel. Notify Richard S. Wilson prior to beginning seeding.

If you fail to comply with the above order, you will have established a record of noncompliance (43 CFR 3809.3-2(c)) and may be enjoined by an appropriate court order from continuing operation and be liable for damages.

When an operator has established a record of noncompliance, our authorized officer may require an operator to submit an approved plan of operations for subsequent actions that would otherwise be conducted under a notice and require a mandatory bond to be executed by the operator prior to any subsequent operation (43 CFR 3809.3-2(e)).

You have the right to appeal to the Utah State Director, Bureau of Land Management, in accordance with 43 CFR 3809.4. If you exercise this right, your appeal, accompanied by a statement of reasons and any arguments you wish to present which would justify reversal or modification of the decision, must be filed in writing at this office within 30 days after the date of this decision. This decision will remain in effect during appeal unless a written request for a stay is granted.

Sincerely,

A handwritten signature in dark ink, appearing to read "David E. Little", written over the word "Sincerely,".

David E. Little  
District Manager

cc: Utah State Office, U-920  
Lowell Braxton, DOGM  
Leo Snow

RW11 son:plp:0137W